

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/647,668
Attorney Docket No.: Q77134

REMARKS

Claims 1-4 and 6-34 are all the claims pending in the application. Claim 1 is amended to include the subject matter of claim 5. Claim 5 has been canceled. New claims 27-34 have been added, but no new matter is added.

Claims 17 and 18 have been withdrawn from further consideration by the Examiner pursuant to 37 C.F.R. 1.142(b) as being drawn to a non-elected inventions.

I. Rejection of Claims on Formal Matters

Applicant respectfully requests the Examiner to withdraw the rejection under 35 U.S.C. 112, second paragraph, in view of the self-explanatory changes shown above.

Claim 24 has been to address Examiner's concern.

II. Rejection of Claims over Prior Art

A. 35 U.S.C. § 102 rejection over Widell: Claims 1-9, 14-16 and 23-26

The Examiner rejected claims 1-9, 14-16 and 23-26 under 35 U.S.C. 102(b) as allegedly being anticipated by Widell (2,825,407).

Herein amended independent claim 1 requires:

a plurality of punches which are provided on the male die and arranged side by side in a first direction with a fixed pitch, the adjacent punches defining a gap therebetween...

the guide member formed with projections that support at least one side face of each of the punches which faces the gap

Widell fails to teach or suggest at least that the guide member is formed with projections for supporting at least one side face of each of the punches which faces a gap, as recited in claim 1.

The Examiner alleged that Figs. 7-9 show a punching apparatus with guide members 70, 74, and 76 which support all sides of the punches. Further, the Examiner alleged that two

adjacent punches 116 are supported by the projections on guide members 70 and 74. (Office Action, page 3.)

Collectively, Figs. 7-9 of Widell teach that elements 70, 74, and 76 are guide plates for guiding punch 116. Punch 116 travels through the guide plates 70, 74, and 76. Widell does not teach or suggest that the guide plates 70, 74, and 76 have projections, between adjacent punches, for supporting the punches, as recited in claim 1. The guide plates, in Widell, only have a hole through which punch 116 travels, but Widell fails to teach or suggest that the guide plates have projections, as recited in claim 1.

For at least the foregoing reasons, Widell fails to anticipate claim 1. Thus, the § 102 rejection of independent claim 1 and its dependent claims 2-4, 6-9, 14-16 and 23-26 should be withdrawn, and also, new claims 27-34 are allowable over the prior art.

B. 35 U.S.C. § 102 rejection over Smeets: Claims 1, 3, 14-16, 19, 20 and 21

The Examiner rejected claims 1, 3, 14-16, 19, 20 and 21 under 35 U.S.C. 102(b) as allegedly being anticipated by Smeets (3,125,197).

The Examiner alleged that Fig. 1 of Smeets has a guide member 15 that supports the side face 85 of the punches 64 and 83. (Office Action, page 4.)

Smeets fails to teach or suggest at least that the guide member is formed with projections for supporting at least one side face of each of the punches which faces a gap that has been defined between adjacent punches, as recited in claim 1.

Smeets has a moveable plate means 15 (guide plate), which includes the plates 21 and 22 (guide plates). The guide plates have holes to allow punches 64 and 83 to be inserted therein, but Smeets does not teach or suggest that the guide plates have projections, as recited in claim 1.

For at least the foregoing reasons, Smeets fails to anticipate independent claim 1. Therefore, the § 102 rejection of independent claim 1 and its dependent claims 3, 14-16, 19, 20 and 21 should be withdrawn, and new claims 27-34 are allowable over the prior art too.

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C. 35 U.S.C. § 103 rejection over Widell: Claims 11 and 12

The Examiner rejected claims 11 and 12 under 35 U.S.C. 103(a) as allegedly being unpatentable over Widell (2,825,407).

Widell is deficient vis-à-vis base claim 1. Claims 11 and 12 are patentable by virtue of their dependency. Thus, the § 103 rejection of claims 11 and 12 should be withdrawn.

D. 35 U.S.C. § 103 rejection over Smeets and Dacey: Claim 22

The Examiner rejected claim 22 under 35 U.S.C. 103(a) as allegedly being unpatentable over Smeets (3,125,197) in view of Dacey (4,993,295).

Smeets is deficient vis-à-vis base claim 1. Dacey, applied by the Examiner for its teaching regarding positioning the punch, does not compensate for the deficiencies of Smeets.

Claim 22 is patentable by virtue of its dependency. Thus, the § 103 rejection of claim 22 should be withdrawn.

III. Indication of Allowable Subject Matter

The Examiner objected to claims 10 and 13 as being dependent upon a rejected base claim, but indicated the these claims would be allowable if rewritten in independent form.

Applicant has so rewritten claim 10 in independent form. Thus, claims 10 and 13 are in condition for allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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